

OGC Has Reviewed

Approved For Release 2001/09/04 : CIA-RDP84-00688R000200150001-8

OGC 80-00668
24 January 1980

MEMORANDUM FOR: C/BSD/OP

STATINTL FROM: [REDACTED]
Office of General Counsel

SUBJECT: GEHA: Is GEHA Subject to ERISA?

You have asked whether GEHA is subject to ERISA. Section 4(a) of PL 93-406, 88 Stat. 829, 839, provides that ERISA:

...shall apply to any employee benefit plan if it is established or maintained--(1) by any employer engaged in commerce or in any industry or activity affecting commerce; or (2) by any employee organization or organizations representing employees engaged in commerce in any industry activity affecting commerce; or (3) by both.

CIA is not engaged in commerce and is not an actively affecting commerce. Section 4(b) further provides:

The provisions of this title shall not apply to any employee benefit plan of (1) such plan is a governmental plan (as defined in Section 3[32]).

Section 3(32) defines governmental plan as:

...a plan established or maintained for its employees by the Government of the United States, by the Government of any State, or political subdivision thereof, instrumentally of any of the foregoing.

GEHA is, therefore, not subject to ERISA.

/S/

[REDACTED]
STATIN

FILE CONTENTS

OGC OPINIONS - GEHA

76-7260 GEHA Insurance Release Form
Feb 77 GEHA - Regulation by the D. C. and Virginia
 Insurance Commissions
Apr 77 Request for Opinion - Proposed Benefit and
 Rate Changes
Apr 77 GEHA Subject to ERISA?
May 77 GEHA Employees
Jul 77 Consideration of Direct Hire Employees for GEHA

OGC-Opinion

Approved For Release 2001/09/04 : CIA-RDP84-00688R000200150001-8

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

GEHA: Is GEHA Subject to ERISA?

FROM:		EXTENSION	NO.
OGC/O&MLD 7C40, Hqs		7231	OGC 80-00668
TO: (Officer designation, room number, and building)	DATE	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
RECEIVED	FORWARDED		
1. C/BSD/OP 5E-13, Hqs	2/1	EJ	<u>NOTE</u> I held this to determine that Bob went to sign this memo. He confirmed by phone today that he did. EJ
2. DD/Pers PRFM/SP			
3. DD/Pers PRFM			
4.			
5.			
6.			
7.			
8.			
9.			
10. C/BSD			
11.			
12.			
13.			
14.			
15.			

213) OGC on ERISA
application to GEHA.